

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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FERNANDO HERNANDEZ, KENNETH CHOW,
BRYANT WHITE, DAVID WILLIAMS,
MARQUIS ACKLIN, CECILIA JACKSON,
TERESA JACKSON, MICHAEL LATTIMORE
and JUANY GUZMAN, Each Individually, And On Behalf
Of All Other Persons Similarly Situated,

12 Civ. 4339 (ALC)(JLC)

**DECLARATION OF
WALKER G. HARMAN, JR.**

Plaintiffs,

-against-

THE FRESH DIET INC.,
LATE NIGHT EXPRESS COURIER SERVICES INC. (FL),
FRESH DIET EXPRESS CORP. (NY),
THE FRESH DIET - NY INC. (NY),
FRESH DIET GRAB & GO, INC. (FL) a/k/a
YS CATERING HOLDINGS, INC. (FL) d/b/a
YS CATERING, INC. (FL),
FRESH DIET EXPRESS CORP. (FL),
SYED HUSSAIN, Individually,
JUDAH SCHLOSS, Individually,
and ZAIMI DUCHMAN, Individually

Defendants.

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WALKER G. HARMAN, JR., hereby declares pursuant to 28 U.S.C. § 1746, the
following statements are true and correct:

1. I am an attorney duly licensed to practice law in the Southern District of New York.
2. I am the managing partner of The Harman Firm, PC, which is counsel to Plaintiffs in the above-captioned matter.
3. I submit this Declaration in Support of Plaintiffs' Motion for Class Action Certification.

**PLAINTIFFS' COUNSEL IS QUALIFIED TO SERVE AS
CLASS COUNSEL IN PLAINTIFFS' PROPOSED CLASS
ACTION**

I. Background of Walker G. Harman, Jr., Founder of The Harman Firm, PC

4. I graduated from the Fordham University School of Law ("Fordham Law School") with a J.D. degree in 1999. At Fordham Law School, I was a member of the Moot Court Board, and the Criminal Defense Clinic. I also was an editor of the Environmental Law Journal. Additionally, I was President of the Fordham Student Sponsored Fellowship, where I was charged with the distribution of hundreds of thousand of dollars in scholarship funds to students to enable them work with not-for-profit organizations. I also co-chaired Fordham Law School's LGBT Law Student Association.

5. While at Fordham Law School, I served as a Judicial Intern for the Honorable Dennis Chin (S.D.N.Y.) and the Honorable Deborah Batts (S.D.N.Y.). I spent a summer interning for Judge Batts and a semester interning for Judge Chin. Judge Chin was my legal writing professor at Fordham Law School and I was selected to intern with him due to my academic achievement in his class—I was one of only two (2) students to receive an A in his class.

6. I am admitted to the New York State Courts and the United States District Courts for the Southern District of New York [WH-8044], the Eastern District of New York, and the Northern District of Texas. I also am admitted to the United States Court of Appeals for the Second Circuit.

7. I am an Adjunct Professor of Law at Fordham University School of Law and have held that position since 2008.

II. The Harman Firm and Its Wage and Hour Collective and Class Action Practice

8. In 2003, after several years as an associate with a large international law firm where I specialized in complex commercial litigation, I formed my own practice, The Harman Firm, PC, which focuses almost exclusively on employment law, including wage and hour litigation on behalf of employees.

9. Over the past several years, The Harman Firm, PC has successfully represented employees in dozens of complex wage-and-hour disputes, including collective actions based on the FLSA, as well as in actions arising out of the N.Y. LAB. LAW.

10. In late 2012, I settled in principle a case pending before this Court on a class action basis, alleging violations of the FLSA and the N.Y. LAB. LAW. That action involved twenty (20) plaintiffs and approximately one hundred (100) putative class action members. That action recovered unpaid wages and substantial damages, exclusive of attorneys' fees. *See Prude v. PTM Mgm't Corp.*, 10 Civ. 8122 (JPO)(HBP) (S.D.N.Y.).

11. In 2012, I also negotiated a settlement in principle in another case pending before the Hon. Judge Nina Gershon in the Eastern District of New York. This action was also settled on a class action basis for nineteen (19) individuals. *See Nelson v. First Transit*, 12 Civ. 4366 (NG)(RML) (E.D.N.Y.).

12. Also in 2012, I negotiated and oversaw settlement in a wage-and-hour litigation in which several plaintiffs received substantial settlement sums. *See Uribe v. Women by Peter Elliot*, 11 Civ. 4316 (GBD) (S.D.N.Y.).

13. In 2013, I settled an FLSA and N.Y. LAB. LAW collective action involving a class of approximately forty (40) individuals. *See Walz v. 44&X*, 12 Civ. 5800 (CM)(AJP) (S.D.N.Y.).

14. I also recently closed and settled another collective action, *Pla v. Renaissance Equity Holdings*, 12 Civ. 4339 (JMF) (S.D.N.Y.).

EXHIBITS

15. Annexed as Exhibit A is the Affidavit of Plaintiff Fernando Hernandez sworn to February 1, 2013.

16. Annexed as Exhibit B is the Affidavit of Plaintiff Kenneth Chow sworn to February 1, 2013.

17. Annexed as Exhibit C is the Affidavit of Plaintiff Juany Guzman sworn to February 6, 2013.

18. Annexed as Exhibit D is the Affidavit of Plaintiff Marquis Acklin sworn to January 25, 2013.

19. Annexed as Exhibit E is Plaintiff Juan Correa's September 20, 2013 Deposition.

20. Annexed as Exhibit F is Plaintiff David A. Williams's October 3, 2013 Deposition.

21. Annexed as Exhibit G is Plaintiff Theresa Jackson's October 2, 2013 Deposition.

22. Annexed as Exhibit H is Plaintiff Marquis Acklin's October 2, 2013 Deposition.

23. Annexed as Exhibit I is Defendant Yuda Schlass's September 11, 2013 Deposition.

24. Annexed as Exhibit J is Plaintiff Kenneth Chow's September 24, 2013 Deposition.

25. Annexed as Exhibit K is Plaintiff Fernando Hernandez's September 17, 2013 Deposition.

26. Annexed as Exhibit L is Plaintiff Danny DeLarosa's October 28, 2013 Deposition.

27. Annexed as Exhibit M is Plaintiff Juany Guzman's October 7, 2013 Deposition.

Dated: New York, New York
May 20, 2014

Respectfully submitted by:
THE HARMAN FIRM, PC
Counsel for Plaintiffs

s/ Walker G. Harman, Jr.
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